

**ASSEMBLY BILL**

**No. 250**

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**Introduced by Assembly Member Gonzalez Fletcher**

January 30, 2017

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An act to amend Section 15853 of the Government Code, and to add Chapter 10 (commencing with Section 31411) to Division 21 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as introduced, Gonzalez Fletcher. State Coastal Conservancy: Lower Cost Coastal Accommodations Program.

(1) Existing law establishes the State Coastal Conservancy in state government, and prescribes the membership and functions and duties of the conservancy with regard to the protection, preservation, and enhancement of specified coastal lands in the coastal zone, as defined.

This bill would require the conservancy to develop and implement a specified Lower Cost Coastal Accommodations Program intended to facilitate improvement of existing, and development of new, lower cost accommodations within the coastal zone and a specified geographic area along the coast adjacent to the coastal zone. The bill would require the conservancy to take specified actions to develop and implement the program, as prescribed. The bill would require the conservancy to prepare a lower cost coastal accommodations plan containing specified information relating to specific opportunities to improve existing, and generate new, lower cost coastal accommodations, and to update the plan not less every 5 years. The bill would also authorize the conservancy to develop and implement a pilot program for the purposes of identifying and testing measures that support development, improvement, maintenance, and the operation of lower cost coastal

accommodations by private entities, and would require the conservancy to establish criteria for the selection of projects to be included in the pilot program.

(2) Existing law authorizes the State Public Works Board to select and acquire, in the name of and on behalf of the state, with the consent of the state agency concerned, the fee or any lesser right or interest in any real property necessary for any state purpose or function. Existing law requires that all land and other real property to be acquired by or for any state agency, except for specified state agencies including the State Coastal Conservancy with respect to acceptance of offers to dedicate public accessways made pursuant to the California Coastal Act of 1976, be acquired by the state board.

This bill would exempt land acquired by the conservancy for the purposes of the program from that requirement.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 15853 of the Government Code is  
2     amended to read:  
3     15853. (a) The board may select and acquire, in the name of  
4     and on behalf of the state, with the consent of the state agency  
5     concerned, the fee or any lesser right or interest in any real property  
6     necessary for any state purpose or function.  
7     (b) If moneys are appropriated by the Budget Act for any fiscal  
8     year or by any other act for the acquisition of land or other real  
9     property, either (1) subject to this part or (2) for any state agency  
10    for whom property is acquired by the board, the moneys and  
11    acquisitions are subject to this part and the moneys shall be  
12    expended in accordance with this part, notwithstanding any other  
13    law.  
14    (c) Notwithstanding any other law, all land and other real  
15    property to be acquired by or for any state agency, other than the  
16    Department of Transportation, the Department of Water Resources,  
17    the State Reclamation Board, the Department of Fish and Game,  
18    the Wildlife Conservation Board, the Public Employees'  
19    Retirement System, the State Teachers' Retirement System, the  
20    Department of Housing and Community Development, the State  
21    Lands Commission, except for property to be acquired for the State

Lands Commission pursuant to an appropriation from the General Fund, and the State Coastal Conservancy with respect to acceptance of offers to dedicate public accessways made pursuant to Division 20 (commencing with Section ~~30000~~ of 30000), and for the purposes of Chapter 10 (commencing with Section 31411) of, the Public Resources Code, shall be acquired by the State Public Works Board in accordance with this part.

(d) (1) Notwithstanding subdivision (a), the board shall acquire, on behalf of and for the Department of Parks and Recreation, in accordance with this part, any interests in real property, including options to purchase, which have been appraised, selected, and settled through purchase negotiations by the Department of Parks and Recreation pursuant to subdivision (b) of Section 5006 of the Public Resources Code. Out of moneys appropriated for the acquisition of options to purchase, no more than ten thousand dollars (\$10,000) may be expended for the acquisition of any single option unless otherwise provided by the Legislature.

(2) Notwithstanding Section 15854, purchase negotiations for interests in real property for the state park system pursuant to subdivision (d) of Section 5006 of the Public Resources Code shall be initiated within six months of the effective date of the act that appropriates funds for the acquisition. Purchase negotiations on all projects not proposed pursuant to subdivision (d) of Section 5006 of the Public Resources Code shall be initiated within 12 months of the effective date of the act appropriating funds for the acquisition. Either title shall be conveyed or a written agreement to transfer title shall be executed within the appropriate authorization period unless the Department of Parks and Recreation formally abandons the acquisition prior to the conclusion of the appropriate authorization period. For the purposes of this section, in order for the Department of Parks and Recreation to “formally abandon” an acquisition, it shall transmit written notification to the board of its intent not to proceed with the acquisition.

(3) The board, at any time during the periods specified in paragraph (2), may commence condemnation proceedings if it finds it to be appropriate. However, if, during the appropriate authorization period, title is not conveyed or a written agreement to transfer title is not signed, the acquisition has not been formally abandoned, or condemnation proceedings have not been commenced, the Department of Parks and Recreation shall notify,

1 by letter, the chair of the committee in each house of the  
2 Legislature that considers appropriations, the Chair of the Joint  
3 Legislative Budget Committee, and the Members of the Legislature  
4 within whose district any part of the land or other real property is  
5 located of the status of the acquisition. For the purpose of this  
6 paragraph, condemnation proceedings shall be deemed to be  
7 commenced as of the date the board authorizes acquisition by  
8 condemnation.

9 (4) The board may schedule special meetings as are necessary  
10 to expedite the acquisition of options to purchase real property for  
11 the state park system.

12 (e) The board may acquire furnishings that the owner thereof  
13 agrees to sell and that are contained within improvements acquired  
14 by the board. Cost of acquisition of furnishings shall be charged  
15 to the appropriation available for acquisition of the real property.

16 (f) This section shall not apply to the acquisition of conservation  
17 easements made pursuant to the California Forest Legacy Program  
18 Act of 2007 (Division 10.5 (commencing with Section 12200) of  
19 the Public Resources Code).

20 SEC. 2. Chapter 10 (commencing with Section lookup) is added  
21 to Division 21 of the Public Resources Code, to read:

22  
23 CHAPTER 10. LOWER COST COASTAL ACCOMMODATIONS  
24 PROGRAM  
25

26 31411. The Legislature finds and declares all of the following:

27 (a) The right of access to the coast is guaranteed to the people  
28 of California by the California Constitution and the California  
29 Coastal Act of 1976 (Division 20 (commencing with Section  
30 30000)), which requires that coastal development be regulated,  
31 and public access rights to our state's beaches be protected.

32 (b) California's Parks Forward Commission has emphasized  
33 the need to expand access to parks and public lands throughout  
34 California to ensure that all Californians and visitors to the state,  
35 including those from low-income and underserved communities,  
36 are able to benefit from outdoor experiences.

37 (c) Lower cost accommodations, including hotels, motels,  
38 hostels, and camping opportunities, are essential elements of coastal  
39 and park access because they enable Californians and visitors from  
40 a variety of backgrounds, including those of low and moderate

1 income, to enjoy California's beaches and parks and experience  
2 the full range of recreational, educational, spiritual, and other  
3 experiences offered.

4 (d) A lack of affordable accommodations remains a barrier to  
5 coastal access. California's historic supply of lower cost coastal  
6 accommodations has been reduced, and continues to be diminished,  
7 as a result of high coastal property values and economic pressures  
8 to develop new coastal accommodations that are too expensive to  
9 be affordable to most visitors.

10 (e) California should invest in new strategies and partnerships  
11 to improve the availability of lower cost accommodations along  
12 the coast, particularly for low-income and middle-income families.  
13 A strategic program to provide affordable accommodations in  
14 appropriate areas of our coastal parks and public lands can play  
15 an important role in improving public access to the coast. California  
16 should also support innovative pilot projects that enable the state  
17 to partner with the private sector to provide access.

18 31412. (a) The conservancy shall develop and implement a  
19 Lower Cost Coastal Accommodations Program to facilitate  
20 improvement of existing, and the development of new, lower cost  
21 accommodations within the coastal zone and a one mile area along  
22 the coast adjacent to the coastal zone. In implementing the program,  
23 the conservancy may undertake projects and award grants, and  
24 shall be guided by the lower cost accommodations plan required  
25 to be developed pursuant to Section 31413.

26 (b) The program shall include both of the following:

27 (1) Clear and measurable objectives.

28 (2) Implementation measures designed to ensure that new or  
29 improved accommodation projects supported by the program will  
30 be affordable and available to low-income and middle-income  
31 families, nonprofit organizations, and public entities that provide  
32 young or at-risk populations with education, service learning,  
33 healthy living, recreational, or similar opportunities.

34 (c) The conservancy shall take both of the following actions to  
35 develop and implement the program:

36 (1) Consult and collaborate with the Department of Parks and  
37 Recreation, the California Coastal Commission, local and regional  
38 park agencies, open-space districts, and other public agencies  
39 regarding development of the accommodations plan and selection

1 and funding of specific projects to improve existing and new lower  
2 cost coastal accommodations.

3 (2) Engage with parks, conservation, and community groups to  
4 ensure that program activities reflect and address community needs  
5 and interests.

6 31413. (a) The conservancy shall prepare a lower cost coastal  
7 accommodations plan that includes, at a minimum, all of the  
8 following elements:

9 (1) A description of specific opportunities to improve existing  
10 and develop new lower cost accommodations on coastal public  
11 lands and coastal lands owned or operated by nonprofit  
12 organizations, including a list of potentially suitable sites for the  
13 location of these accommodations such as state, regional, local  
14 parks, lands held by harbor or open-space districts, and public  
15 lands not yet designated as parks.

16 (2) Estimates of daily occupancy or rental rates, based on  
17 geographic location, seasonality, and other relevant factors, that  
18 the conservancy will use for purposes of identifying existing lower  
19 cost accommodations as well as potential future projects for  
20 program support. Any estimates developed pursuant to this  
21 paragraph shall not be interpreted to conflict with any rights and  
22 responsibilities of the Department of Parks and Recreation to  
23 establish rental rates or fees for accommodations within its  
24 jurisdiction.

25 (3) Data and analysis regarding the existing supply of lower  
26 cost coastal accommodations within the program area, as well as  
27 an analysis of the supply of low-cost accommodations relative to  
28 population within 150 miles of the California coast.

29 (4) An assessment of demand for, and opportunities to establish,  
30 new or expanded lower cost accommodations within the program  
31 area.

32 (5) Criteria for prioritizing investment of program funds in  
33 accommodation projects, such as any applicable legal requirements  
34 that may apply to those funds, geography, existing disparities in  
35 park or coastal access, availability of public agency or nonprofit  
36 partners, adequacy of existing infrastructure and services, and  
37 financial feasibility.

38 (6) A description of needed and anticipated measures to ensure  
39 that accommodation projects that may be supported by the program  
40 will be consistent with the purposes of this chapter.

1 (7) A list of appropriate public and private funding sources and  
2 potential financing mechanisms to support development and  
3 operation of lower cost accommodation projects.

4 (b) (1) The conservancy shall update the plan not less than  
5 every five years, and maintain a current list of potential lower cost  
6 accommodation projects that may be implemented, subject to  
7 available funding.

8 (2) Each five-year update of the plan shall include an evaluation  
9 of the conservancy's implementation of the program and plan over  
10 the preceding five years, and shall describe any recommended  
11 changes that may be needed to improve the program's  
12 effectiveness.

13 (c) For purposes of this section, lower cost accommodations  
14 may include, but are not limited to, campgrounds, cabins,  
15 limited-stay RV parks, hostels, motels, and hotels.

16 31414. (a) The conservancy may develop and implement a  
17 pilot program for the purposes of identifying and testing measures  
18 that support development, improvement, maintenance, and  
19 operation of lower cost accommodations by private entities. The  
20 conservancy shall establish criteria for selection of projects that  
21 are eligible to receive assistance under the pilot program.

22 (b) In carrying out a pilot program, the conservancy may do all  
23 of the following:

24 (1) Purchase existing low-cost accommodations and operate  
25 those accommodations through leases or operating agreements  
26 with qualified regional or local park agencies, concessionaires, or  
27 nonprofit organizations.

28 (2) Purchase and resell existing accommodations to willing  
29 buyers, including private entities.

30 (3) Provide loans, grants, or other financial assistance to private  
31 entities for purposes of acquiring or improving accommodations.

32 (c) (1) Any project or transaction undertaken pursuant to this  
33 section shall be subject to terms and conditions prescribed the  
34 conservancy to ensure that the project or transaction advances the  
35 purposes of the program, is based upon the economic soundness  
36 of the project itself, and provides a reasonable expectation that all  
37 financial obligations of the project can be met by participating  
38 parties.

39 (2) Any sale of real property to a private entity pursuant to this  
40 section shall be subject to deed restrictions or other legally

1 enforceable instruments that require the property to be used for  
2 the provision of lower cost coastal accommodations for at least 30  
3 years following the date of sale.

4 (3) Any purchase of property by the conservancy pursuant to  
5 this chapter shall not be subject to the Property Acquisition Law  
6 (Part 11 (commencing with Section 15850) of Division 3 of Title  
7 2 of the Government Code).